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ATTORNEY GENERAL OF NEW JERSEY

FILED

JULY 30, 1987

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NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF AN INQUIRY
CONCERNING THE PRACTICE OF

WILLIAM LITTERER, D.C.

LICENSED TO PRACTICE CHIRO-
PRACTIC IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was initially opened to the New Jersey State Board of Medical Examiners upon its receipt of information which revealed, that in the course of performing chiropractic evaluations, respondent had routinely performed examinations which were beyond the scope of chiropractic in this State. Specifically, letters addressed to this Board dated February 23, 1982, October 9, 1982 and November 3, 1982 revealed that respondent performed breast examinations in the course of his evaluations of three patients who had been referred to him by of insurance carriers. Not only did Dr. Litterer concede that he performed such examinations, his reports to the insurance carriers confirmed that the purpose of the examinations was to check for the presence of palpable masses.

While it is apparent from Dr. Litterer's prior appearances (January 23, 1983 and June 29, 1983) that he sincerely believed that such practice was permitted and in the best interest of the patients, and we cannot conclude that respondent was motivated by anything other than his desire to make a full and thorough report to the insurance carriers by whom he had been engaged to perform evaluations, the performance of breast exams by chiropractors is not now, nor has it ever been deemed to be within the appropriate scope of practice. The Board will accept Dr. Litterer's representation that he has not included breast exams in his routine evaluation since January 26, 1983, the date on which he initially appeared before the Executive Committee in connection with the first letter of complaint. A review of more recent reports prepared by Dr. Litterer confirms that he no longer reports findings relating to breast examinations.

Since the Board is persuaded that Dr. Litterer's actions in performing breast examinations were not motivated by any prurient interest, and that this inclusion was undertaken because of his misconception concerning the appropriate contours of permissible practice and his desire to provide a thorough report, the Board has concluded that any suspension of his license would be inappropriate and that the terms of the within consent order are adequately protective of the public interest. Accordingly, since both parties are desirous of avoiding litigation in this matter,

IT IS on this 22 day of July, 1987,

ORDERED:

1. Respondent shall be and hereby is directed to cease and desist from performing breast examinations since such are now, and have been, beyond the scope of chiropractic examinations.

2. Respondent shall pay civil penalties in the sum of \$1,000 which may be paid in installments as may be directed by the Board office.

STATE BOARD OF MEDICAL EXAMINERS

By: Edward W. Luka, M.D.
President

We consent to the form
and entry of the within Order:

William Litterer, D.C.
William Litterer, D.C.

Peter L. Korn, Esq.
Peter L. Korn, Esq.
Attorney for Respondent